THE BOURBON NEWS.

PUBLISHED EVERY TUESDAY AND FRIDAY IN THE YEAR.

VOLUME XXVIII — PARIS, KENTUCKY, FRIDAY, APRIL 3, 1908 — NUMBER 14

CALLED MEETING OF CITY COUNCIL.

Orders Warrant to Be Drawn For $42,000 in Favor of Treasurer of School Board.

MAYOR O'BRIEN GIVES FACTS.

At a called meeting of the City Council, Wednesday afternoon, Mayor James M. O'Brien was in the chair and the following Councilmen present: D. C. Parrish, John Duvall, W. H. Webb, J. M. Taylor, T. P. Woods, James Dempsey.

After the Mayor stated the cause of the called meeting and read the communication, which we give in full below, Councilman Webb made a motion, which was seconded by Councilman Woods, that a warrant for $42,000 be drawn on the City Treasurer in favor of the Treasurer of the School Board. The motion carried unanimously.

To the Board of Council of the City of Paris, Ky.:

Gentlemen:—While the Court has directed you to issue an order requiring the City Treasurer to pay to the Board of Education, the amount recieved from the sale of bonds, at the same time, it fuily justified you in your refusal to turn over this fund until the rights of all parties had been judicially determined. Your sole contention has been that the tax-payers were entitled to all profits arising from the use of this money previous to its expenditure. After your refusal to comply with the demand of the School Board the members of that body saw fit to issue an ill advised and intemperate communication, attacking both your motives and my own, although the only difference was upon a question of law and public policy. Whether or not the statements contained in that communication were correct, can best be determined by a comparison between them and the facts, and more especially with those matters developed in the course of the trial in the Circuit Court, about which there can be no dispute. In order to make the matter clear, those statements will be considered separately.

1. Although it was stated positively that the law was so plain that a ten-year-old child could not misunderstand it, yet the argument on the law as to the right of the School Board to have control of this fund, consumed nearly six hours and at its conclusion, the Court took the question under consideration for nearly five days before deciding that as a mere matter of law the School Board was entitled to this money and had the right to maintain the suit. And even after that, it became necessary for the lawyers for the Board to file several more amended petitions and summon and examine a number of witnesses before the case could finally be dceided. This fact alone fully justifies you in the course you have pursued. It would seem that the ten-year-old child who could not misunderstand the law would be precocious indeed.

2. Your contention that the profits arising from the use of this money should go to and be used for the benefit of the tax-payers was fully sustained by the Court. In deciding the case, Judge Stout held substantially the same thing, and said to the members of the School Board, who were all present, that while he had no authority to provide for it in the judgment, it was his opinion that this money shuuld be depsited in the bank or with the individual who would pay the largest sum for its use. He suggested that in order to determine where it should be deposited, the School Board should hold an auction and let all of the banks bid for the deposit and then require the Treasurer of that Board to deposit the fund with the highest bidder. This statement made by the Judge in deciding the case, not only justifies but fully vindicates you.

3. You claimed that if the fund was left on the deposit with the City Treasurer, a sum amounting to six or eight hundred dollars would be saved to the tax-payers in the way of interest charges, although the fund was absolutely at the disposal of the School Board and could only be paid uot upon warrants of that body. You also claimed that this money would be lost to the tax-payers if the place of deposit was changed, as the Treasurer of the School Board would pay no interest upon the fund. The truth of those statements was not only proven by the sworn testimony of the witnesses, but was admitted as true and not questioned by the attorneys for the Board.

4. Although the money was absolutely at the disposal of the School Board, the refusal of that body to issue a warrant upon the fund while it was in the hands of the City Treasurer, was, as it was claimed, based upon section 3602 of the Kentucky Statutes, which reads as follows: "No money shall be drawn from the funds unless the same shall have been appropriated by order of the Board of Education, and no appropriation of money shall be made to be paid out of said school funds unless the money shall actually be in the Treasury to meet the draft." It was strenuously insisted by the counsel for the School Board that it would be unlawful for that body to issue a warrant upon the fund unless it was actually in the hands of its Treasurer, but the members of the Board testified under oath that they disregarded this law whenever it suited them to do so; as one of the members testified, "the account in the bank has been over-drawn the greater part of the seven years that I have been a member of the Board." I do not refer to this in any spirit of criticism or dsiapproval but merely to show that even the members of the School Board have their failings—common to us all—of being great sticklers for the law when it happens to favor their side. I am more disposed to congratulate them upon being able to win a victory under strict circumstances.

5. Not only was the impression conveyed in the communication referred to, but it was given out and published in the papers, that work on the building had stopped and could not be resumed until this money was paid over to the School Board. This report was very industriously circulated and yet, when put under oath, the members of that body, and more especially the President of the Board, swore positively that no contractor had quit work and that there had not been a single day's delay on account of the money not having been deposited with the Treasurer of the School Board.

6. It was also charged that your refusal to comply with their demand was due to personal feeling on your part and to a desire to even up with the members of the School Board by interfering with them in the proper exercise of their authority. It was also said that the reason for the opposition to their election last year was due to a wish to elect a School Board that could be dominated by the city authorities. Not only the absurdity, but the falsity as well, of such a charge is conclusively proven by the fact that no step in that direction has ever been taken, although you could have done so at any time. If such a state of affairs was desired by you, it could easily have been accomplished at any time by the mere passage of an ordinance which, while it would make no particular change in the school, would legislate the present Board of Education out of existence. The members of that Board who seem, at least in their public utterances, to be so thoroughly informed upon all the law, must know that the Council has the power to separate, at any time, the white and colored schools, and when that is done, to appoint two boards of trustees to serve until the next election. This authority is given by an amendment to the charters of cities of the fourth class adopted by the Legislature in 1904. If these gentlemen have never seen that law, it can easily be found by reference to page 129 of the Acts of the General Assembly of 1904. The fact that you have never taken any such steps shows that you have never had any desire to interfere officially with the management of the schools. If as citizens you saw fit, as you did, to oppose the candidacy of these gentlemen, you had the undoubted right to do so and they should not complain because you believe that a change in the management

(Continued on Page 4.)